

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UMB BANK, N.A.,

Plaintiff,

v.

ALL COMMERCIAL FLOORS, INC.,

Defendant.

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Civil Action No. 4:21-cv-01154-O

**QUARTERLY RECEIVERSHIP REPORT
REPORTING PERIOD 2023-Q4**

Jeff Merritt, the court-appointed receiver herein (the “Receiver”), submits for the consideration of the Court the following information regarding the status of the Receivership, asset collection efforts, and other ongoing activities. Unless otherwise stated herein, the information in this report is current as of the end of the calendar quarter ending December 31, 2023. The Receiver will supplement this report as required by the Court, as circumstances develop, and/or if the information herein materially changes.

BACKGROUND

1. On October 22, 2021, the Court entered the Order (Docket No. 7) (the “Order”) appointing the Receiver. The Order requires, *inter alia*, that All Commercial Floors, Inc. (the “Company”)¹ surrender to the Receiver all property of the Company (the “Existing Property”), empowered the Receiver to control the Property, and to recover any other property, interests in property, assets, and/or claims of Company (collectively and together with the Existing Property, the “Property”), and to take any other actions necessary for the Receiver to administer the Property.

¹ Where applicable, the term “Company” for purposes of this report shall also mean and refer to the receivership estate.

2. On January 27, 2023, the Court entered the Order (Docket No. 48) (the "Subsequent Order") modifying the reporting requirements from monthly to quarterly.

3. The Subsequent Order requires a Quarterly Receivership Report (as defined in the Subsequent Order) by the Receiver as to all income received and expenses paid by the Receiver.

4. The Receiver to date has filed the following Receivership Reports prior to the filing of this Receivership Report, all of which are available on the docket of this case.

Docket No.	Start Date	End Date
8	10/22/2021	10/31/2021
14	11/1/2021	11/30/2021
18	12/01/2021	12/31/2021
27	n/a (supplement)	n/a (supplement)
29	1/01/2022	1/31/2022
32	2/01/2022	2/28/2022
33	3/1/2022	3/31/2022
34	4/1/2022	4/30/2022
36	5/1/2022	5/31/2022
37	6/1/2022	6/30/2022
41	7/1/2022	7/31/2022
42	8/1/2022	8/31/2022
43	9/1/2022	9/30/2022
45	10/1/2022	10/31/2022
53	8/31/2022	12/31/2022
54	1/1/2023	3/31/2023
55	4/1/2023	6/30/2023
57	7/1/23	9/30/2023

ACTIVITIES OF THE RECEIVER

5. During the Reporting Period, the Receiver adhered to the Receivership Order and commenced, and/or continued, without limitation, the following activities.

- a. Continued the review of cash flows, reviewed contracts, and/or invoices, as necessary.
- b. Interacted with the UMB Bank N.A. to continue management and control of remaining cash and limited cash disbursements, and to provide support when requested in the collection of accounts receivable.

- c. When necessary, interacted with bonding companies to resolve outstanding claims.
- d. Paid remaining key trade, employee, professional fees and/or other necessary costs incurred in the receivership.
- e. Responded to requests for information from customers and creditors as appropriate.
- f. Addressed unsecured creditor claims and/or inquires as received.
- g. Retained Bryan Cave Leighton Paisner to pursue claims against ACF's principal Kevin Jones. ACF's insurer is defending the claims under a Directors and Officers policy. Discovery is underway.

6. In light of the substantial and overwhelming deficiency claim of the UMB Bank, the Receiver still does not foresee conducting a formal claims process and/or procedure through this action or otherwise under the receivership.

INCOME AND EXPENSES

7. The cash receipts and disbursements of the Company under the Receivership for the Reporting Period are shown in **Exhibit JM-Q005**, attached hereto and incorporated by reference herein.

Dated: January 17, 2024

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth

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ATTORNEYS FOR
JEFF MERRITT, RECEIVER

EXHIBIT JM-Q005

4th Quarter 2023	
Sources of Cash	
Deposits	8,220.44
Auction proceeds	-
Insurance refund	-
Cowboy Seat License Sale	-
Parasell sublease	-
Total Sources of Cash	8,220.44
Uses of Cash	
Trash removal	-
Vendors	-
Installers pay	-
IT	8,296.15
Rent	-
Utilities	-
Textura charge	-
Postage	-
Insurance	-
Bank charges	1,120.00
Waycer Kaplan	-
Merritt Advisors	6,390.95
Storage fees	1,362.00
Bus. Personal Prop. Taxes	-
Loan Repayment	-
Miscellaneous	-
IRS Penalties	-
Dallas Cowboy Tickets	-
Payroll	-
Total Uses of Cash	\$ 17,169.10
Net Cash Flow	\$ (8,948.66)